

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD REINHARDT

(pka Richie Ramone and Richie Beau), an individual,

X

07 Civ. 8233 (SAS)

Plaintiff,

NOTICE OF MOTION

-against-

WAL MART STORES, INC., APPLE, INC.,

REALNETWORKS, INC., ESTATE OF

JOHN CUMMINGS (aka JOHN RAMONE and

JOHNNY RAMONE), TACO TUNES, INC.,

RAMONES PRODUCTIONS, INC.,

HERZOG & STRAUS, IRA HERZOG,

Defendants.

X

PLEASE TAKE NOTICE that upon the annexed affirmation of Stewart L. Levy, Esq, dated January 18, 2008, the exhibits annexed thereto, the accompanying Memorandum of Law in support of this motion dated January 18, 2008, and upon all pleadings and proceedings heretofore had herein, defendants Taco Tunes, Inc., Ramones Productions, Inc., the John Family Trust (incorrectly named in the complaint as the "Estate of John Cummings"), Herzog & Straus and Ira Herzog will move this as soon as counsel can be heard before the Honorable Shira A. Scheindlin, United States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10017 for an order: (a) dismissing the amended complaint in its entirety pursuant to Rule 12 (b)(1) and (6) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted; and (b) for an award of legal fees pursuant to the terms of 17 U.S.C. §505;

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order of the Court, answering papers must be served on or before February 19, 2008; and

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order of the Court, reply papers, if any, must be served on or before March 3, 2008.

Dated: New York, New York
January 18, 2008

EISENBERG TANCHUM & LEVY
*Attorneys for Defendants Taco Tunes, Inc.
Ramones Productions, Inc., the John Family
Trust (incorrectly named in the complaint as
the "Estate of John Cummings"), Herzog &
Straus and Ira Herzog*

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